

## **BILL ANALYSIS**

Senate Research Center

S.B. 1441  
By: Barrientos  
Human Services  
8/23/1999  
Enrolled

### **DIGEST**

Currently, the specialized telecommunications device assistance program only provides devices to individuals who are deaf or hard of hearing and not to individuals with other disabilities that make it difficult or impossible to use standard telecommunications devices. This bill allows the Texas Public Utility Commission and the Commission for the Deaf and Hard of Hearing to provide assistive telecommunications devices for individuals with serious disabilities.

### **PURPOSE**

As enrolled, S.B. 1441 sets forth guidelines for the expansion of the specialized telecommunications devices assistance program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Commission for the Deaf and Hard of Hearing in SECTION 7 (Section 56.152, Utilities Code) and the Public Utility Commission of Texas and the Texas Commission for the Deaf and Hard of Hearing in SECTION 7 (Sections 56.151 and 56.153, Utilities Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 56.021, Utilities Code, to require the Public Utility Commission of Texas (PUC) to adopt and enforce rules requiring local exchange companies to establish a universal service fund to finance the specialized telecommunications assistance program.

SECTION 2. Amends Chapter 56D, Utilities Code, by adding Section 56.1085, as follows:

Sec. 56.1085. SPECIAL FEATURES FOR RELAY ACCESS SERVICE. Authorizes PUC to contract for a special feature for the state's telecommunications relay access service if PUC makes certain determinations. Authorizes PUC, if the carrier selected to provide the telecommunications relay access service under Section 56.108 is unable to provide the special feature at the best value to the state, to make a written award of a contract for a carrier to provide the special feature to the telecommunications carrier whose proposal is most advantageous to the state, after making certain considerations. Requires PUC to consider each proposal in a manner that does not disclose the contents of the proposal to a telecommunications carrier making a competing proposal. Requires PUC's evaluation of a telecommunications carrier's proposal to include the consideration provided by Section 56.108(d).

SECTION 3. Amends Section 56.109(a), Utilities Code, to require certain telecommunications carriers to be compensated at rates and on terms provided by the carrier's contract with PUC.

SECTION 4. Amends Section 56.110(a), Utilities Code, to provide that an advisory committee to assist PUC is composed of certain persons, including two persons with certain disabilities that impair the ability to effectively access the telephone network. Makes conforming changes.

SECTION 5. Amends Section 56.111, Utilities Code, to require the advisory committee to advise the PUC and the Texas Commission for the Deaf and Hard of Hearing (commission for the deaf)

regarding devices or services suitable to meet the needs of persons with disabilities. Deletes text regarding the hearing impaired. Makes a conforming change.

SECTION 6. Amends the heading of Chapter 56E, Utilities Code, as follows:

SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS ASSISTANCE PROGRAM

SECTION 7. Amends Sections 56.151 - 56.154, Utilities Code, as follows:

Sec. 56.151. New heading: SPECIALIZED TELECOMMUNICATIONS ASSISTANCE PROGRAM. Requires PUC and the commission for the deaf, by rule, to establish a specialized telecommunications program to financially assist individuals with disabilities that impair the individual's ability to effectively access the telephone network, rather than certain individuals who are deaf or have an impairment of hearing or speech, to enable the individuals to purchase specialized services. Authorizes the agencies to adopt joint rules that identify devices and services eligible for vouchers under the program.

Sec. 56.152. ELIGIBILITY. Requires the commission for the deaf, by rule, to prescribe eligibility standards for individuals, including deaf individuals and those who have an impairment of hearing or speech.

Sec. 56.153. VOUCHERS. Requires the commission to determine a reasonable price for a basic specialized telecommunications device or basic specialized services to provide telephone network access from a home or business. Requires the commission for the deaf to distribute certain vouchers to eligible applicants for devices or services, rather than devices for the deaf (TDD or TTY). Authorizes the commission to issue a voucher for a service only if the service is less expensive than a device eligible for a voucher under the program to meet the same need. Requires PUC and the commission for the deaf, by rule, to provide that a distributor of devices or a provider of services will not receive more than full price of the device or service if certain action is taken. Provides that an individual who has exchanged a voucher for a specialized telecommunications device is not eligible to receive another voucher within a certain time period, unless, before that date, the recipient develops a need for a different type of telecommunications device or service under the program because the recipient's disability changes or the recipient acquires another disability. Makes conforming changes.

Sec. 56.154. COMMISSION DUTIES. Requires PUC to pay a telecommunications service provider who prevents a voucher for payment, not later than the 45th day after PUC receives the voucher. Authorizes PUC to take certain actions, notwithstanding Section 56.153(a). Makes conforming changes.

SECTION 8. Amends Section 56.155(a), Utilities Code, to make a conforming change.

SECTION 9. Provides that the text of Sections 56.021, 56.110(a), 56.111, 56.151, 56.152, 56.153, 56.154, and 56.155(a), Utilities Code, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997. Provides that this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 10. Effective date: September 1, 1999.

SECTION 11. Emergency clause.